

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 417, AS REPORTED
OFFERED BY MR. THOMAS OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Campaign Reform and Election Integrity Act of 1999”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References in act.

TITLE I—BAN ON FOREIGN CONTRIBUTIONS

Sec. 101. Extension of ban on foreign contributions to all campaign-related disbursements; protecting equal participation of eligible voters.

TITLE II—IMPROVING REPORTING OF INFORMATION

Sec. 201. Mandatory electronic filing for certain reports; expediting reporting of information.

Sec. 202. Reporting of secondary payments; expansion of other types of information reported.

Sec. 203. Disclosure requirements for certain soft money expenditures of political parties.

**TITLE III—STRENGTHENING ENFORCEMENT AND
ADMINISTRATION OF FEDERAL ELECTION COMMISSION**

Sec. 301. Standards for initiation of actions and written responses by Federal Election Commission.

Sec. 302. Banning acceptance of cash contributions greater than \$100.

Sec. 303. Deposit of certain contributions and donations to be returned to donors in Treasury account.

Sec. 304. Alternative procedures for imposition of penalties for reporting violations.

Sec. 305. Abolition of ex officio membership of Clerk of House of Representatives and Secretary of Senate on Commission.

Sec. 306. Broader prohibition against force and reprisals.

Sec. 307. Signature authority of members of Commission for subpoenas and notification of intent to seek additional information.

2

TITLE IV—SIMPLIFYING AND CLARIFYING FEDERAL ELECTION
LAW

Sec. 401. Application of aggregate contribution limit on calendar year basis during non-election years.

Sec. 402. Treatment of lines of credit obtained by candidates as commercially reasonable loans.

Sec. 403. Repeal Secretary of Commerce reports on district-specific population.

Sec. 404. Technical correction regarding treatment of honoraria.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

1 **SEC. 2. REFERENCES IN ACT.**

2 Except as otherwise specifically provided, whenever in
3 this Act an amendment is expressed in terms of an amend-
4 ment to or repeal of a section or other provision, the ref-
5 erence shall be considered to be made to that section or
6 other provision of the Federal Election Campaign Act of
7 1971 .

8 **TITLE I—BAN ON FOREIGN**
9 **CONTRIBUTIONS**

10 **SEC. 101. EXTENSION OF BAN ON FOREIGN CONTRIBU-**
11 **TIONS TO ALL CAMPAIGN-RELATED DIS-**
12 **BURSEMENTS; PROTECTING EQUAL PARTICI-**
13 **PATION OF ELIGIBLE VOTERS.**

14 (a) PROHIBITION ON DISBURSEMENTS BY FOREIGN
15 NATIONALS.—Section 319 (2 U.S.C. 441e) is amended—
16 (1) in the heading, by striking “contributions”
17 and inserting “donations and other disbursements”;

1 (2) in subsection (a), by striking “contribution”
2 each place it appears and inserting “donation or
3 other disbursement”; and

4 (3) in subsection (a), by striking the semicolon
5 and inserting the following: “, including any dona-
6 tion or other disbursement to a political committee
7 of a political party and any donation or other dis-
8 bursement for an independent expenditure;”.

9 (b) CODIFICATION OF REGULATIONS PROHIBITING
10 USE OF FOREIGN FUNDS BY MULTICANDIDATE POLITI-
11 CAL COMMITTEES; PROTECTING EQUAL PARTICIPATION
12 OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS.—
13 Section 319 (2 U.S.C. 441e) is amended—

14 (1) by redesignating subsection (b) as sub-
15 section (d); and

16 (2) by inserting after subsection (a) the follow-
17 ing new subsections:

18 “(b) It shall be unlawful for any person organized
19 under or created by the laws of the United States or of
20 any State or other place subject to the jurisdiction of the
21 United States to make any donation or other disbursement
22 to any candidate for political office in connection with an
23 election for any political office, or to make any donation
24 or other disbursement to any political committee or to any
25 organization or account created or controlled by any

1 United States political party, unless such donation or dis-
2 bursement is derived solely from funds generated from
3 such person's own business activities in the United States.

4 “(c) Nothing in this Act may be construed to prohibit
5 any individual eligible to vote in an election for Federal
6 office from making contributions or expenditures in sup-
7 port of a candidate for such an election (including vol-
8 untary contributions or expenditures made through a sep-
9 arate segregated fund established by the individual's em-
10 ployer or labor organization) or otherwise participating in
11 any campaign for such an election in the same manner
12 and to the same extent as any other individual eligible to
13 vote in an election for such office.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall apply with respect to contributions, do-
16 nations, and other disbursements made on or after the
17 date of the enactment of this Act.

18 **TITLE II—IMPROVING** 19 **REPORTING OF INFORMATION**

20 **SEC. 201. MANDATORY ELECTRONIC FILING FOR CERTAIN** 21 **REPORTS; EXPEDITING REPORTING OF IN-** 22 **FORMATION.**

23 (a) REQUIRING ELECTRONIC FILING WITHIN 24
24 HOURS OF CERTAIN CONTRIBUTIONS AND INDEPENDENT
25 EXPENDITURES MADE WITHIN 90 DAYS OF ELECTION.—

1 (1) IN GENERAL.—Section 304(a) (2 U.S.C.
2 434(a)) is amended by adding at the end the follow-
3 ing new paragraph:

4 “(12)(A) Notwithstanding any other provision of this
5 Act, each political committee described in subparagraph
6 (B)(i) that receives a contribution in an amount equal to
7 or greater than \$200, and any person described in sub-
8 paragraph (B)(ii) who makes an independent expenditure,
9 during the period which begins on the 90th day before an
10 election and ends at the time the polls close for such elec-
11 tion shall, with respect to any information required to be
12 filed with the Commission under this section with respect
13 to such contribution or independent expenditure, file and
14 preserve the information using electronic mail, the Inter-
15 net, or such other method of instantaneous transmission
16 as the Commission may permit, and shall file the informa-
17 tion within 24 hours after the receipt of the contribution
18 or the making of the independent expenditure.

19 “(B) For purposes of subparagraph (A)—

20 “(i) a political committee described in this
21 clause is a political committee that has received an
22 aggregate amount of contributions equal to or great-
23 er than \$50,000 with respect to the election cycle in-
24 volved; and

1 “(ii) a person described in this clause is a per-
2 son who makes an aggregate amount of independent
3 expenditures during the election cycle involved or
4 during any of the 2 previous 2-year general election
5 cycles in an amount equal to or greater than
6 \$10,000.

7 “(C) The Commission shall make the information
8 filed under this paragraph available on the Internet imme-
9 diately upon receipt.”.

10 (2) INTERNET DEFINED.—Section 301(19) (2
11 U.S.C. 431(19)) is amended to read as follows:

12 “(19) The term ‘Internet’ means the international
13 computer network of both Federal and non-Federal inter-
14 operable packet-switched data networks.”.

15 (b) REQUIRING REPORTS OF CERTAIN FILERS TO BE
16 TRANSMITTED ELECTRONICALLY; CERTIFICATION OF
17 PRIVATE SECTOR SOFTWARE.—Section 304(a)(11)(A) (2
18 U.S.C. 434(a)(11)(A)) is amended by striking the period
19 at the end and inserting the following: “, except that in
20 the case of a report submitted by a person who reports
21 an aggregate amount of contributions or expenditures (as
22 the case may be) in all reports filed with respect to the
23 election cycle involved (taking into account the period cov-
24 ered by the report) in an amount equal to or greater than
25 \$50,000, the Commission shall require the report to be

1 filed and preserved by electronic mail, the Internet, or
2 such other method of instantaneous transmission as the
3 Commission may permit. The Commission shall certify (on
4 an ongoing basis) private sector computer software which
5 may be used for filing reports by such methods.”.

6 (c) REQUIRING REPORTS FOR ALL CONTRIBUTIONS
7 MADE WITHIN 20 DAYS OF ELECTION; REQUIRING RE-
8 PORTS TO BE MADE WITHIN 24 HOURS.—Section
9 304(a)(6)(A) (2 U.S.C. 434(a)(6)(A)) is amended—

10 (1) by striking “after the 20th day, but more
11 than 48 hours before any election” and inserting
12 “during the period which begins on the 20th day be-
13 fore an election and ends at the time the polls close
14 for such election”; and

15 (2) by striking “48 hours” the second place it
16 appears and inserting the following: “24 hours (or,
17 if earlier, by midnight of the day on which the con-
18 tribution is deposited)”.

19 (d) REQUIRING ACTUAL RECEIPT OF CERTAIN INDE-
20 PENDENT EXPENDITURE REPORTS WITHIN 24 HOURS.—

21 (1) IN GENERAL.—Section 304(c)(2) (2 U.S.C.
22 434(c)(2)) is amended in the matter following sub-
23 paragraph (C)—

24 (A) by striking “shall be reported” and in-
25 serting “shall be filed”; and

1 (B) by adding at the end the following new
2 sentence: “Notwithstanding subsection (a)(5),
3 the time at which the statement under this sub-
4 section is received by the Secretary, the Com-
5 mission, or any other recipient to whom the no-
6 tification is required to be sent shall be consid-
7 ered the time of filing of the statement with the
8 recipient.”.

9 (2) CONFORMING AMENDMENT.—Section
10 304(a)(5) (2 U.S.C. 434(a)(5)) is amended by strik-
11 ing “or (4)(A)(ii)” and inserting “or (4)(A)(ii), or
12 the second sentence of subsection (c)(2)”.

13 (e) CHANGE IN CERTAIN REPORTING FROM A CAL-
14 ENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.—

15 (1) IN GENERAL.—Section 304(b) (2 U.S.C.
16 434(b)) is amended—

17 (A) by inserting “(or election cycle, in the
18 case of an authorized committee of a candidate
19 for Federal office)” after “calendar year” each
20 place it appears in paragraphs (2), (3), (4), and
21 (7); and

22 (B) in paragraph (6)(A), by striking “cal-
23 endar year” and inserting “election cycle”.

1 (2) ELECTION CYCLE DEFINED.—Section 301
2 (2 U.S.C. 431) is amended by adding at the end the
3 following:

4 “(20) ELECTION CYCLE.—Except as the Commission
5 may otherwise provide, the term ‘election cycle’ means,
6 with respect to an election, the period beginning on the
7 day after the date of the most recent general election for
8 the office involved and ending on the date of the election.”.

9 (f) CLARIFICATION OF PERMISSIBLE USE OF FAC-
10 SIMILE MACHINES AND ELECTRONIC MAIL TO FILE RE-
11 PORTS.—Section 304(a)(11)(A) (2 U.S.C. 434(a)(11)(A))
12 is amended by striking “method,” and inserting the fol-
13 lowing: “method (including by facsimile device or elec-
14 tronic mail in the case of any report required to be filed
15 within 24 hours after the transaction reported has oc-
16 curred),”.

17 **SEC. 202. REPORTING OF SECONDARY PAYMENTS; EXPAN-**
18 **SION OF OTHER TYPES OF INFORMATION RE-**
19 **PORTED.**

20 (a) REQUIRING RECORD KEEPING AND REPORT OF
21 SECONDARY PAYMENTS BY CAMPAIGN COMMITTEES.—

22 (1) REPORTING.—Section 304(b)(5)(A) (2
23 U.S.C. 434(b)(5)(A)) is amended by striking the
24 semicolon at the end and inserting the following: “,
25 and, if such person in turn makes expenditures

1 which aggregate \$5,000 or more in an election cycle
2 to other persons (not including employees) who pro-
3 vide goods or services to the candidate or the can-
4 didate's authorized committees, the name and ad-
5 dress of such other persons, together with the date,
6 amount, and purpose of such expenditures;”.

7 (2) RECORD KEEPING.—Section 302 (2 U.S.C.
8 432) is amended by adding at the end the following
9 new subsection:

10 “(j) A person described in section 304(b)(5)(A) who
11 makes expenditures which aggregate \$5,000 or more in
12 an election cycle to other persons (not including employ-
13 ees) who provide goods or services to a candidate or a can-
14 didate's authorized committees shall provide to a political
15 committee the information necessary to enable the com-
16 mittee to report the information described in such sec-
17 tion.”.

18 (3) NO EFFECT ON OTHER REPORTS.—Nothing
19 in the amendments made by this subsection may be
20 construed to affect the terms of any other record-
21 keeping or reporting requirements applicable to can-
22 didates or political committees under title III of the
23 Federal Election Campaign Act of 1971.

24 (b) INCLUDING REPORT ON CUMULATIVE CONTRIBU-
25 TIONS AND EXPENDITURES IN POST ELECTION RE-

1 PORTS.—Section 304(a)(7) (2 U.S.C. 434(a)(7)) is
2 amended—

3 (1) by striking “(7)” and inserting “(7)(A)”;
4 and

5 (2) by adding at the end the following new sub-
6 paragraph:

7 “(B) In the case of any report required to be filed
8 by this subsection which is the first report required to be
9 filed after the date of an election, the report shall include
10 a statement of the total contributions received and expend-
11 itures made as of the date of the election.”.

12 (c) INCLUDING INFORMATION ON AGGREGATE CON-
13 TRIBUTIONS IN REPORT ON ITEMIZED CONTRIBUTIONS.—
14 Section 304(b)(3) (2 U.S.C. 434(b)(3)) is amended—

15 (1) in subparagraph (A), by inserting after
16 “such contribution” the following: “and the total
17 amount of all such contributions made by such per-
18 son with respect to the election involved”; and

19 (2) in subparagraph (B), by inserting after
20 “such contribution” the following: “and the total
21 amount of all such contributions made by such com-
22 mittee with respect to the election involved”.

1 **SEC. 203. DISCLOSURE REQUIREMENTS FOR CERTAIN SOFT**
2 **MONEY EXPENDITURES OF POLITICAL PAR-**
3 **TIES.**

4 (a) TRANSFERS OF FUNDS BY NATIONAL POLITICAL
5 PARTIES.—Section 304(b)(4) (2 U.S.C. 434(b)(4)) is
6 amended—

7 (1) by striking “and” at the end of subpara-
8 graph (H);

9 (2) by adding “and” at the end of subpara-
10 graph (I); and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(J) in the case of a political committee of
14 a national political party, all funds transferred
15 to any political committee of a State or local
16 political party, without regard to whether or not
17 the funds are otherwise treated as contributions
18 or expenditures under this title;”.

19 (b) DISCLOSURE BY STATE AND LOCAL POLITICAL
20 PARTIES OF INFORMATION REPORTED UNDER STATE
21 LAW.—Section 304 (2 U.S.C. 434) is amended by adding
22 at the end the following new subsection:

23 “(d) If a political committee of a State or local politi-
24 cal party is required under a State or local law, rule, or
25 regulation to submit a report on its disbursements to an
26 entity of the State or local government, the committee

1 shall file a copy of the report with the Commission at the
2 time it submits the report to such an entity.”.

3 **TITLE III—STRENGTHENING EN-**
4 **FORCEMENT AND ADMINIS-**
5 **TRATION OF FEDERAL ELEC-**
6 **TION COMMISSION**

7 **SEC. 301. STANDARDS FOR INITIATION OF ACTIONS AND**
8 **WRITTEN RESPONSES BY FEDERAL ELEC-**
9 **TION COMMISSION.**

10 (a) STANDARD FOR INITIATION OF ACTIONS BY
11 FEC.—Section 309(a)(2) (2 U.S.C. 437g(a)(2)) is
12 amended by striking “it has reason to believe” and all that
13 follows through “of 1954,” and inserting the following: “it
14 has a reason to seek additional information regarding a
15 possible violation of this Act or of chapter 95 or chapter
16 96 of the Internal Revenue Code of 1986 that has oc-
17 curred or is about to occur (based on the same criteria
18 applicable under this paragraph prior to the enactment of
19 the Campaign Reform and Election Integrity Act of
20 1999),”.

21 (b) REQUIRING FEC TO PROVIDE WRITTEN RE-
22 SPONSES TO QUESTIONS.—

23 (1) IN GENERAL.—Title III (2 U.S.C. 431 et
24 seq.) is amended by inserting after section 308 the
25 following new section:

1 “OTHER WRITTEN RESPONSES TO QUESTIONS

2 “SEC. 308A. (a) PERMITTING RESPONSES.—In addi-
3 tion to issuing advisory opinions under section 308, the
4 Commission shall issue written responses pursuant to this
5 section with respect to a written request concerning the
6 application of this Act, chapter 95 or chapter 96 of the
7 Internal Revenue Code of 1986, a rule or regulation pre-
8 scribed by the Commission, or an advisory opinion issued
9 by the Commission under section 308, with respect to a
10 specific transaction or activity by the person, if the Com-
11 mission finds the application of the Act, chapter, rule, reg-
12 ulation, or advisory opinion to the transaction or activity
13 to be clear and unambiguous.

14 “(b) PROCEDURE FOR RESPONSE.—

15 “(1) ANALYSIS BY STAFF.—The staff of the
16 Commission shall analyze each request submitted
17 under this section. If the staff believes that the
18 standard described in subsection (a) is met with re-
19 spect to the request, the staff shall circulate a state-
20 ment to that effect together with a draft response to
21 the request to the members of the Commission.

22 “(2) ISSUANCE OF RESPONSE.—Upon the expi-
23 ration of the 3-day period beginning on the date the
24 statement and draft response is circulated (excluding
25 weekends or holidays), the Commission shall issue

1 the response, unless during such period any member
2 of the Commission objects to issuing the response.

3 “(c) EFFECT OF RESPONSE.—

4 “(1) SAFE HARBOR.—Notwithstanding any
5 other provisions of law, any person who relies upon
6 any provision or finding of a written response issued
7 under this section and who acts in good faith in ac-
8 cordance with the provisions and findings of such re-
9 sponse shall not, as a result of any such act, be sub-
10 ject to any sanction provided by this Act or by chap-
11 ter 95 or chapter 96 of the Internal Revenue Code
12 of 1986.

13 “(2) NO RELIANCE BY OTHER PARTIES.—Any
14 written response issued by the Commission under
15 this section may only be relied upon by the person
16 involved in the specific transaction or activity with
17 respect to which such response is issued, and may
18 not be applied by the Commission with respect to
19 any other person or used by the Commission for en-
20 forcement or regulatory purposes.

21 “(d) PUBLICATION OF REQUESTS AND RE-
22 SPONSES.—The Commission shall make public any re-
23 quest for a written response made, and the responses
24 issued, under this section. In carrying out this subsection,
25 the Commission may not make public the identity of any

1 person submitting a request for a written response unless
2 the person specifically authorizes to Commission to do so.
3 “(e) COMPILATION OF INDEX.—The Commission
4 shall compile, publish, and regularly update a complete
5 and detailed index of the responses issued under this sec-
6 tion through which responses may be found on the basis
7 of the subjects included in the responses.”.

8 (2) CONFORMING AMENDMENT.—Section
9 307(a)(7) (2 U.S.C. 437d(a)(7)) is amended by
10 striking “of this Act” and inserting “and other writ-
11 ten responses under section 308A”.

12 (c) STANDARD FORM FOR COMPLAINTS; STRONGER
13 DISCLAIMER LANGUAGE.—

14 (1) STANDARD FORM.—Section 309(a)(1) (2
15 U.S.C. 437g(a)(1)) is amended by inserting after
16 “shall be notarized,” the following: “shall be in a
17 standard form prescribed by the Commission, shall
18 not include (but may refer to) extraneous mate-
19 rials,”.

20 (2) DISCLAIMER LANGUAGE.—Section
21 309(a)(1) (2 U.S.C. 437g(a)(1)) is amended—

22 (A) by striking “(a)(1)” and inserting
23 “(a)(1)(A)”; and

24 (B) by adding at the end the following new
25 subparagraph:

1 “(B) The written notice of a complaint provided by
2 the Commission under subparagraph (A) to a person al-
3 leged to have committed a violation referred to in the com-
4 plaint shall include a cover letter (in a form prescribed
5 by the Commission) and the following statement: ‘The en-
6 closed complaint has been filed against you with the Fed-
7 eral Election Commission. The Commission has not veri-
8 fied or given official sanction to the complaint. The Com-
9 mission will make no decision to pursue the complaint for
10 a period of at least 15 days from your receipt of this com-
11 plaint. You may, if you wish, submit a written statement
12 to the Commission explaining why the Commission should
13 take no action against you based on this complaint. If the
14 Commission should decide to seek additional information,
15 you will be notified and be given further opportunity to
16 respond.’”.

17 **SEC. 302. BANNING ACCEPTANCE OF CASH CONTRIBU-**
18 **TIONS GREATER THAN \$100.**

19 Section 315 (2 U.S.C. 441a) is amended by adding
20 at the end the following new subsection:

21 “(i) No candidate or political committee may accept
22 any contributions of currency of the United States or cur-
23 rency of any foreign country from any person which, in
24 the aggregate, exceed \$100.”.

1 **SEC. 303. DEPOSIT OF CERTAIN CONTRIBUTIONS AND DO-**
2 **NATIONS TO BE RETURNED TO DONORS IN**
3 **TREASURY ACCOUNT.**

4 (a) IN GENERAL.—Title III (2 U.S.C. 431 et seq.)
5 is amended by adding at the end the following new section:

6 “TREATMENT OF CERTAIN CONTRIBUTIONS AND
7 DONATIONS TO BE RETURNED TO DONORS

8 “SEC. 323. (a) TRANSFER TO COMMISSION.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of this Act, if a political committee intends
11 to return any contribution or donation given to the
12 political committee, the committee shall transfer the
13 contribution or donation to the Commission if—

14 “(A) the contribution or donation is in an
15 amount equal to or greater than \$500 (other
16 than a contribution or donation returned within
17 90 days of receipt by the committee); or

18 “(B) the contribution or donation was
19 made in violation of section 315, 316, 317, 319,
20 or 320 (other than a contribution or donation
21 returned within 90 days of receipt by the com-
22 mittee).

23 “(2) INFORMATION INCLUDED WITH TRANS-
24 FERRED CONTRIBUTION OR DONATION.—A political
25 committee shall include with any contribution or do-
26 nation transferred under paragraph (1)—

1 “(A) a request that the Commission return
2 the contribution or donation to the person mak-
3 ing the contribution or donation; and

4 “(B) information regarding the cir-
5 cumstances surrounding the making of the con-
6 tribution or donation and any opinion of the po-
7 litical committee concerning whether the con-
8 tribution or donation may have been made in
9 violation of this Act.

10 “(3) ESTABLISHMENT OF ESCROW ACCOUNT.—

11 “(A) IN GENERAL.—The Commission shall
12 establish a single interest-bearing escrow ac-
13 count for deposit of amounts transferred under
14 paragraph (1).

15 “(B) DISPOSITION OF AMOUNTS RE-
16 CEIVED.—On receiving an amount from a polit-
17 ical committee under paragraph (1), the Com-
18 mission shall—

19 “(i) deposit the amount in the escrow
20 account established under subparagraph
21 (A); and

22 “(ii) notify the Attorney General and
23 the Commissioner of the Internal Revenue
24 Service of the receipt of the amount from
25 the political committee.

1 “(C) USE OF INTEREST.—Interest earned
2 on amounts in the escrow account established
3 under subparagraph (A) shall be applied or
4 used for the same purposes as the donation or
5 contribution on which it is earned.

6 “(4) TREATMENT OF RETURNED CONTRIBU-
7 TION OR DONATION AS A COMPLAINT.—The transfer
8 of any contribution or donation to the Commission
9 under this section shall be treated as the filing of a
10 complaint under section 309(a).

11 “(b) USE OF AMOUNTS PLACED IN ESCROW TO
12 COVER FINES AND PENALTIES.—The Commission or the
13 Attorney General may require any amount deposited in
14 the escrow account under subsection (a)(3) to be applied
15 toward the payment of any fine or penalty imposed under
16 this Act or title 18, United States Code, against the per-
17 son making the contribution or donation.

18 “(c) RETURN OF CONTRIBUTION OR DONATION
19 AFTER DEPOSIT IN ESCROW.—

20 “(1) IN GENERAL.—The Commission shall re-
21 turn a contribution or donation deposited in the es-
22 crow account under subsection (a)(3) to the person
23 making the contribution or donation if—

24 “(A) within 180 days after the date the
25 contribution or donation is transferred, the

1 Commission has not made a determination
2 under section 309(a)(2) to seek additional in-
3 formation regarding whether or not the con-
4 tribution or donation was made in violation of
5 this Act; or

6 “(B)(i) the contribution or donation will
7 not be used to cover fines, penalties, or costs
8 pursuant to subsection (b); or

9 “(ii) if the contribution or donation will be
10 used for those purposes, that the amounts re-
11 quired for those purposes have been withdrawn
12 from the escrow account and subtracted from
13 the returnable contribution or donation.

14 “(2) NO EFFECT ON STATUS OF INVESTIGA-
15 TION.—The return of a contribution or donation by
16 the Commission under this subsection shall not be
17 construed as having an effect on the status of an in-
18 vestigation by the Commission or the Attorney Gen-
19 eral of the contribution or donation or the cir-
20 cumstances surrounding the contribution or dona-
21 tion, or on the ability of the Commission or the At-
22 torney General to take future actions with respect to
23 the contribution or donation.”.

24 (b) AMOUNTS USED TO DETERMINE AMOUNT OF
25 PENALTY FOR VIOLATION.—Section 309(a) (2 U.S.C.

1 437g(a)) is amended by inserting after paragraph (9) the
2 following new paragraph:

3 “(10) For purposes of determining the amount of a
4 civil penalty imposed under this subsection for violations
5 of section 323, the amount of the donation involved shall
6 be treated as the amount of the contribution involved.”.

7 (c) DONATION DEFINED.—Section 323, as added by
8 subsection (a), is amended by adding at the end the follow-
9 ing:

10 “(d) DONATION DEFINED.—In this section, the term
11 ‘donation’ means a gift, subscription, loan, advance, or de-
12 posit of money or anything else of value made by any per-
13 son to a national committee of a political party or a Sen-
14 atorial or Congressional Campaign Committee of a na-
15 tional political party for any purpose, but does not include
16 a contribution (as defined in section 301(8)).”.

17 (d) DISGORGEMENT AUTHORITY.—Section 309 (2
18 U.S.C. 437g) is amended by adding at the end the follow-
19 ing new subsection:

20 “(e) Any conciliation agreement, civil action, or crimi-
21 nal action entered into or instituted under this section
22 may require a person to forfeit to the Treasury any con-
23 tribution, donation, or expenditure that is the subject of
24 the agreement or action for transfer to the Commission
25 for deposit in accordance with section 323.”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 subsections (a), (b), and (c) shall apply to contributions
3 or donations refunded on or after the date of the enact-
4 ment of this Act, without regard to whether the Federal
5 Election Commission or Attorney General has issued regu-
6 lations to carry out section 323 of the Federal Election
7 Campaign Act of 1971 (as added by subsection (a)) by
8 such date.

9 **SEC. 304. ALTERNATIVE PROCEDURES FOR IMPOSITION OF**
10 **PENALTIES FOR REPORTING VIOLATIONS.**

11 (a) IN GENERAL.—Section 309(a)(4) (2 U.S.C.
12 437g(a)(4)) is amended—

13 (1) in subparagraph (A)(i), by striking “clause
14 (ii)” and inserting “clauses (ii) and subparagraph
15 (C)”; and

16 (2) by adding at the end the following new sub-
17 paragraph:

18 “(C)(i) Notwithstanding subparagraph (A), in the
19 case of a violation of any requirement under this Act relat-
20 ing to the reporting of receipts or disbursements, the Com-
21 mission may—

22 “(I) find that a person committed such a viola-
23 tion on the basis of information obtained pursuant
24 to the procedures described in paragraphs (1) and
25 (2); and

1 “(II) based on such finding, require the person
2 to pay a civil money penalty in an amount deter-
3 mined under a schedule of penalties which is estab-
4 lished and published by the Commission and which
5 takes into account the amount of the violation in-
6 volved, the existence of previous violations by the
7 person, and such other factors as the Commission
8 considers appropriate (but which in no event exceeds
9 \$20,000).

10 “(ii) The Commission may not make any determina-
11 tion adverse to a person under clause (i) until the person
12 has been given written notice and an opportunity to be
13 heard before the Commission.

14 “(iii) Any person against whom an adverse deter-
15 mination is made under this subparagraph may obtain a
16 review of such determination by filing in the United States
17 District Court for the District of Columbia or for the dis-
18 trict in which the person resides or transacts business
19 (prior to the expiration of the 30-day period which begins
20 on the date the person receives notification of the deter-
21 mination) a written petition requesting that the deter-
22 mination be modified or set aside.”.

23 (b) CONFORMING AMENDMENT.—Section
24 309(a)(6)(A) (2 U.S.C. 437g(a)(6)(A)) is amended by

1 striking “paragraph (4)(A)” and inserting “paragraph
2 (4)”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to violations occurring
5 on or after January 1, 2001.

6 **SEC. 305. ABOLITION OF EX OFFICIO MEMBERSHIP OF**
7 **CLERK OF HOUSE OF REPRESENTATIVES**
8 **AND SECRETARY OF SENATE ON COMMIS-**
9 **SION.**

10 Section 306(a) (2 U.S.C. 437c(a)) is amended—

11 (1) in paragraph (1), by striking “the Secretary
12 of the Senate and the Clerk” and all that follows
13 through “right to vote, and”; and

14 (2) in paragraphs (3), (4), and (5), by striking
15 “(other than the Secretary of the Senate and the
16 Clerk of the House of Representatives)” each place
17 it appears.

18 **SEC. 306. BROADER PROHIBITION AGAINST FORCE AND RE-**
19 **PRISALS.**

20 Section 316(b)(3) (2 U.S.C. 441b(b)(3)) is
21 amended—

22 (1) by redesignating subparagraphs (A) through
23 (C) as subparagraphs (B) through (D); and

24 (2) by inserting before subparagraph (B) (as so
25 redesignated) the following new subparagraph:

1 “(A) for such a fund to cause another person
2 to make a contribution or expenditure by physical
3 force, job discrimination, financial reprisals, or the
4 threat of force, job discrimination, or financial re-
5 prisal;”.

6 **SEC. 307. SIGNATURE AUTHORITY OF MEMBERS OF COM-**
7 **MISSION FOR SUBPOENAS AND NOTIFICA-**
8 **TION OF INTENT TO SEEK ADDITIONAL IN-**
9 **FORMATION.**

10 (a) ISSUANCE OF SUBPOENAS.—Section 307(a)(3) (2
11 U.S.C. 437d(a)(3)) is amended by striking “signed by the
12 chairman or the vice chairman” and inserting “signed by
13 any member of the Commission”.

14 (b) NOTIFICATIONS OF INTENT TO SEEK ADDI-
15 TIONAL INFORMATION.—Section 309(a)(2) (2 U.S.C.
16 437g(a)(2)) is amended by striking “through its chairman
17 or vice chairman” and inserting “through any of its mem-
18 bers”.

1 **TITLE IV—SIMPLIFYING AND**
2 **CLARIFYING FEDERAL ELEC-**
3 **TION LAW**

4 **SEC. 401. APPLICATION OF AGGREGATE CONTRIBUTION**
5 **LIMIT ON CALENDAR YEAR BASIS DURING**
6 **NON-ELECTION YEARS.**

7 Section 315(a)(3) (2 U.S.C. 441a(a)(3)) is amended
8 by striking the second sentence.

9 **SEC. 402. TREATMENT OF LINES OF CREDIT OBTAINED BY**
10 **CANDIDATES AS COMMERCIALY REASON-**
11 **ABLE LOANS.**

12 Section 301(8)(B) (2 U.S.C. 431(8)(B)) is
13 amended—

14 (1) by striking “and” at the end of clause (xiii);

15 (2) by striking the period at the end of clause
16 (xiv) and inserting “; and”; and

17 (3) by adding at the end the following new
18 clause:

19 “(xv) any loan of money derived from an ad-
20 vance on a candidate’s brokerage account, credit
21 card, home equity line of credit, or other line of
22 credit available to the candidate, if such loan is
23 made in accordance with applicable law and under
24 commercially reasonable terms and if the person

1 making such loan makes loans in the normal course
2 of the person's business.”.

3 **SEC. 403. REPEAL SECRETARY OF COMMERCE REPORTS ON**
4 **DISTRICT-SPECIFIC POPULATION.**

5 (a) REPEAL REPORT BY SECRETARY OF COMMERCE
6 ON DISTRICT-SPECIFIC VOTING AGE POPULATION.—Sec-
7 tion 315(e) (2 U.S.C. 441a(e)) is amended by striking
8 “States, of each State, and of each congressional district”
9 and inserting “States and of each State”.

10 (b) DEADLINE FOR REPORTING OF CERTAIN AN-
11 NUAL ESTIMATES TO COMMISSION.—

12 (1) PRICE INDEX.—Section 315(c)(1) (2 U.S.C.
13 441a(c)(1)) is amended—

14 (A) by striking “At the beginning” and in-
15 serting “Not later than February 15”; and

16 (B) by striking “as there become available
17 necessary data from the Bureau of Labor Sta-
18 tistics of the Department of Labor,”.

19 (2) VOTING AGE POPULATION.—Section 315(e)
20 (2 U.S.C. 441a(e)) is amended by striking “During
21 the first week of January 1975, and every subse-
22 quent year,” and inserting “Not later than February
23 15 of 1975 and each subsequent year,”.

1 **SEC. 404. TECHNICAL CORRECTION REGARDING TREAT-**
2 **MENT OF HONORARIA.**

3 Section 301(8)(B) (2 U.S.C. 431(8)(B)), as amended
4 by section 402, is further amended—

5 (1) by adding “and” at the end of clause (xiii);

6 (2) by striking clause (xiv); and

7 (3) by redesignating clause (xv) as clause (xiv).

8 **TITLE V—EFFECTIVE DATE**

9 **SEC. 501. EFFECTIVE DATE.**

10 Except as otherwise specifically provided, this Act
11 and the amendments made by this Act shall apply with
12 respect to elections occurring after January 2001.